

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONEIDA: CIVIL TERM PART

JUDGE MACRAE
32-15-0210

JAVEL FOX

Plaintiff,

CIVIL SUMMONS

INDEX NO. CA2015-000598

-Against-

EDNA P HOBBS, ANNE CAMONT,
SER. HARRIS, ITZUREK, CHIEF LIDDY
ONEIDA COUNTY PRIL

Defendants.

To: THE-ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon plaintiff(s) Javel Fox

Pro-se at his address stated below, an answer to the attached complaint.

If this summons was personally served upon you in the State of New York, the answer must be served within twenty days after such service of the summons, excluding the date of service. If the summons was not personally delivered to you within the State of New York, the answer must be served within thirty days after service of the summons is complete as provided by law.

If you do not serve an answer to the attached complaint within the applicable time limitation stated above, a judgment may be entered against you, by default, for the relief demanded in the complaint, without further notice to you.

The action will be heard in the Supreme Court of the State of New York, in and for the County of oneida. This action is brought in the County of oneida because it is the county where the claim arose

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Dated: January 21, 2013

Yours etc.,

James P

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONEIDA : CIVIL TERM

JAVELL FOX

Plaintiff(s),

- AGAINST -

EDNA P HOBBS, ANNE (AMONT),
SGT HARRIS, LT WREK, CHIEF WOOD
ONEIDA COUNTY JAIL

Defendant(s)

JUDGE MACRAE

32-15-0210

CIVIL COMPLAINT

INDEX NO. CA2015-000598

PRELIMINARY STATEMENT

This is a civil rights action filed by Javell Fox
a state prisoner, for compensatory and punitive damages, and
injunctive relief pursuant to Title 42 U.S.C. § 1983, alleging
violation of right(s) secured under the United States Constitution.

JURISDICTION

This Court has jurisdiction pursuant to New York State
Constitution Article VI § 7[a].

VENUE

Venue is laid in this County pursuant to CPLR 506[b].

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Defendants Sgt Harris, Lt Zurek is an employee of the state
of Oneida County
of New York Department of Correctional Services at Oneida
County Jail, locate at Oriskany NY
13244. At all times mentioned in this complaint,
defendant held the rank/title of _____.

STATEMENT OF FACTS

1. The address of the plaintiff herein is Auburn Correctional Facility, 135 State Street, P.O. Box 618, Auburn, New York 13024.

2. The claim is for violation of state constitutional rights of the state by it's employees at Oneida county jail, Edna P. Hobbie, Anne Lamont, Sgt. Harris, Lt. Zurek, S Chief Liddy on February 23, 2012, I was informed by Anne Lamont that she didn't bring my legal work to me because Edna P. Hobbie was not there and Sgt. Harris had to review it because of restrictions that were o.ked by Lt. Zurek and chief Liddy; because of restrictions to one case law per day and review of all legal work and copy's it took me 30 days to get a notary and 2 weeks to receive copy's and legal material making it impossible for me to prepare for my legal defense and civil defense, which is liberty restricting.

3. As a result of this violation of my constitutional rights plaintiff is unable to effectively research cases and legal material that could assist me in preparing effective motions to assure my release and liberty. There is no physical access to the law

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library and the clerks that assist detainees in researching law material are incompetant in law and because of their incompetence

I am suffering, and on May 21, 2012 was sentenced to 10 years prison because I could not properly research my case, and if I could of I would have won my criminal case,

4. As a result of this incident, plaintiff has suffered severe mental pain and anguish.

5. The particulars of plaintiff's damages are as follows:

A. Lost earnings

Plaintiff having been a musician and certified in general business, preparing to enroll in school for audio engineering, potential major music contract with Violator management. As a result of this incident, my potential music contract has been destroyed because Oneida county jail and new york state employees are restricting me to having access to the courts and legal work to prepare defense which would lead to immediate release, so I am unable to keep music meeting schedules because of this situation, as well as the termination of my enrollment. Whenever I write to check on my legal work my cell is searched and I am locked in.

B. Mental anguish

I feel depressed; I was doing positive, enrolled in school, making music, music business meetings, and I am now stagnated because of this incident and my family is falling apart.

6. This claim was filed pursuant to ^{42 USC section} ~~section 10~~ and ~~11~~ of the ¹⁹⁸³ ~~court of claims act~~. WHEREFORE, plaintiff respectfully request judgment against the defendant in the sum of 5 million dollars

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FIRST CAUSE OF ACTION

Plaintiff was denied access to the Court,
and Jail's law library was inadequate
causing Plaintiff to lose his criminal trial
Bounds v Smith in violation of Plaintiff's First
amendment to the U.S. Constitution.

SECOND CAUSE OF ACTION

THIRD CAUSE OF ACTION

FOURTH CAUSE OF ACTION

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RELIEF DEMANDED

Declaratory judgment that the acts, policies, and practices of the defendant(s), violated the plaintiff(s) rights under the United States Constitution.

Compensatory damages in the amount of \$ 5,000,000 from the defendant(s) individually and official capacity.

Punitive damages in the amount of \$ _____, from the defendant(s) individually and official capacity. *to be decided by jury*

Jury trial on all issues triable by jury.

Such other and further relief as this Court may deem to be just and proper.

Dated: January 21, 2013

Yours etc.,

James

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SWORN TO THIS 21

DAY OF January, 2013

David G. O'Hara
NOTARY PUBLIC

DAVID G. O'HARA
Notary Public, State of New York
No. 01OH6233984
Qualified in Onondaga County
Commission Expires January 3, 2015

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